

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CV-608-D

ALLYSON C. PRIEST,

Plaintiff,

v.

NORTH CAROLINA STATE UNIVERSITY,

Defendant.

ORDER

On September 18, 2012, plaintiff (appearing pro se) filed an Application to Proceed Without Prepayment of Fees and Affidavit (“Application and Affidavit”). See 28 U.S.C. § 1915. In her affidavit, plaintiff states that she is employed and earns \$1,000 per month, that her spouse is employed and earns \$1,600 per month. Plaintiff states that she and her spouse have IRA accounts with a combined value of \$3,500, that they pay \$1,495 per month in rent or a home mortgage, that they pay \$296 per month in vehicle payments for two undescribed vehicles listed only as “owned by Ford Motor credit.”

In Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331 (1948), the Supreme Court first set forth the governing standard. It held: “[w]e think an affidavit is sufficient which states that one cannot because of his poverty ‘pay or give security for the costs . . . and still be able to provide’ himself and dependents ‘with the necessities of life.’” Id. at 339; Rowland v. California Men’s Colony, Unit II Men’s Advisory Council, 506 U.S. 194, 203 (1993).

The court has considered the affidavit. Given plaintiff’s current financial status, plaintiff has failed to demonstrate sufficient evidence indicating that payment of the required court costs would deprive her or her family of the “necessities of life.” See Adkins, 335 U.S. at 339.

Plaintiff's Application to Proceed without Prepayment of Fees is hereby DENIED. Plaintiff may tender to the clerk the filing fee of \$350.00 no later than December 21, 2012. If the plaintiff fails to pay the filing fee in the allotted time, the clerk shall redesignate this action as a miscellaneous case and close the matter without further order from the court.

SO ORDERED. This 19 day of November 2012.


JAMES C. DEVER III
Chief United States District Judge